



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **YAMAGUCHI, Katsumi, et al.**

Group Art Unit: 3742

Serial No.: 10/551,356

Examiner: **Quang T. VAN**

Filed: **August 2, 2006**

P.T.O. Confirmation No.: 6417

For: **METAL JET APPARATUS AND JET METHOD**

**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES
REQUIREMENT DATED November 23, 2009**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: December 17, 2009

Sir:

This paper is submitted in response to the Official Action dated **November 23, 2009**.

1. Restriction Requirement:

In the Action, restriction is required between: Group (I) claims 1-5 and 7-8; and Group (II), Claim 6.

Applicants hereby elect the subject matter of Group (I), Claims 1-5 and 7-8 for prosecution in this application. This election is made without traverse, it being understood that the applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

2. Election of Species Requirement:

Further in the Action, if either of Groups I or 2 is elected, the applicants must also choose one of the following species (or embodiment) so as to define a single embodiment for examination:

Species I (Figure 1); Species II (Figure 2); or Species III (Figure 3).

Applicants hereby elect Species II (Figure 2). Claims 1, 2, 3, 4 and 7 are readable on the elected Species II.

SUBSTITUTE TO THE RESPONSE TO THE RESTRICTION REQUIREMENT AND ELECTION OF
SPECIES REQUIREMENT filed December 17, 2009
U.S. Serial No. 10/551,356

Currently, there are no generic claims according to the Examiner.

This election is made without traverse, it being understood that the applicants right to the
filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and
35 USC 121 are retained.

In the event that this paper is not timely filed, applicants hereby petitions for an appropriate
extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-
2340. In the event any additional fees are required in connection with this response, please charge
our Deposit Account No. 01-2340.

Respectfully submitted,

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DWH/lrj

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